

Quick Look:

This document contains:

Historical Timeline,
Background Information, Quick
Facts, FAQs and Additional
Resources.

Historical Timeline

1845: Florida's original Supreme Court established

1851: Constitutional amendment allows Legislature to select three Supreme Court justices

1853: Constitutional amendment grants six year terms to Supreme Court Judges

1868: Constitutional amendment grants Governor the power to appoint three Supreme Court Judges

1902: Constitutional amendment increases the Court's membership to six justices

1926: Constitutional amendment gives the justices the authority to select a chief justice from among them to serve a two year term.

1940: Size of the Supreme Court increases from six justices to seven.

OPI Pulse: Supreme Courts of Criminal Appeals and Civil Appeals

Background:

The Florida Supreme Court is the highest court in the state and is the final arbitrator of cases in Florida. In its current form, it consists of seven justices appointed by the Governor, each serving a six year term. The justices select among themselves a chief justice who serves for two years. The Florida Supreme Court conducts business year-round addressing both criminal and civil appellate matters and, on average, the Court hears approximately 2,500 cases a year.

Issue at a Glance:

The Civil Justice Subcommittee noticed a workshop to discuss a Constitutional Amendment that would separate the jurisdiction of the state's highest court into a Supreme Court for civil appeals and a Supreme Court for criminal appeals. Proponents have expressed the following concerns as their reasons for the proposed committee bill:

- Supreme Court Justices are presently responsible for both civil and criminal cases. The structure of the system requires that each justice be well versed in both complex civil and criminal issues. Proponents believe that allowing justices to focus within a specific field, either criminal law or civil law, will result in justices being better able to resolve cases more expeditiously.
- The current structure also creates imbalance in the system. For instance, proponents point to commentary by former Chief Justice Charles Wells who testified before a legislative committee that while death penalty cases represent only 12 percent of the justices' total caseload, these cases make up about 50 percent of the justices' workload.
- Proponents also emphasize the significance of current processing delays created by the existing Supreme Court structure. As of January 2011, Florida has 145 inmates who have been on death row for at least 20 years, with 34 of those inmates on death row for 30 years or longer. Proponents stress, every branch of government is obligated to operate as efficiently and effectively as possible. Therefore, a restructuring of the court should be considered.

Purpose of Workshop:

The purpose of the workshop is to discuss a Constitutional Amendment that restructures the Florida Supreme Court into two separate and equal entities: a Supreme Court of Criminal Appeals and a Supreme Court of Civil Appeals. Details of the proposed committee bill include:

- Assigning jurisdiction over death penalty cases and discretionary jurisdiction to review any decision of a district court of appeal affecting criminal law to the Supreme Court of Criminal Appeal.

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Quick Facts:

Current Supreme Court Justices

Chief Justice Charles T. Canady
Justice Barbara J. Pariente
Justice R. Fred Lewis
Justice Peggy A. Quince
Justice Ricky Polston
Justice Jorge Labarga
Justice James E.C. Perry

6 years: Length of a Supreme Court Justice term with the option to remain on the bench pending voter merit retention

367: Number of inmates on death row in 1998

394: Number of inmates currently on death row in 2011

25: Number of death row inmates executed since 2000

27: Number of death row inmates dead from natural causes since 2000

Resources:

[Florida House of Representatives Civil Justice Subcommittee](#)

[Florida Supreme Court](#)

- Assigning jurisdiction over all civil matters and appeals to the Supreme Court of Civil Appeals.
- Appointing three new justices which would create a total of ten Supreme Court justice positions. Five justices would serve on the Supreme Court of Civil Appeals and five justices would serve on the Supreme Court of Criminal Appeals.
 - The three most senior justices currently on the bench with the most experience in death penalty appeals would sit on the Supreme Court of Criminal Appeals which would leave one vacancy to fill on the Supreme Court of Civil Appeals and two vacancies to fill on the Supreme Court of Criminal Appeals.

Frequently Asked Questions:

When would Florida voters decide on the constitutional amendment?

Should a bill be proposed and pass, the proposed constitutional amendment would be presented to the public for a vote in the next general election.

Who would appoint the members of the Court of Criminal Appeals?

The Governor would have the authority to appoint members to both the Supreme Court of Criminal Appeals and the Supreme Court of Civil Appeals.

Won't the creation of an entirely new court make the system less efficient?

Proponents of the bill feel this is not the case. They believe since the two courts will have justices with specialties, the appeals process will be vastly more efficient. In addition, they believe the entire justice system will benefit from this concentrated, high level of expertise on the bench.

Do other states have a similar court system?

Yes, both Texas and Oklahoma have a separate court of criminal appeals. The Texas model more closely resembles the proposal to be discussed at the workshop because Texas has an intermediate level of appellate review like Florida.

This restructuring of the Supreme Court would require amending the state constitution as noted above. This means the ballot summary would have to survive Supreme Court review before going to the voters. What are the chances of this happening?

It is highly difficult to determine how the Supreme Court would review this particular ballot summary. Any commentary would be purely speculative.

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